

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2013-14		FY 2014-15	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	(See below)	(See below)	(See below)	(See below)
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 493 would allow the Game and Parks Commission to lease, sell or otherwise transfer portions of the Cowboy Trail located in Sheridan County to the following entities: Sheridan County, Gordon, Hay Springs, Rushville or a nonprofit organization. After any transfer the transferee shall maintain the property at their own expense.

Since the bill is permissive it is unknown when or if such transfers will take place. For illustration, the Game and Parks Commission has indicated that their expenses are approximately \$5,000 annually primarily for weed control, and that revenue from hay leases is approximately \$280 annually. If the property were transferred the Commission's expenses and revenue would decrease by these amounts.

Technical note: The Commission has indicated that since the property has been "rail-banked" there may be federal restrictions on selling or transferring the property. Please see the attached Game and Parks Commission fiscal note for additional details.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 493	AM:	AGENCY/POLT. SUB: Nebraska Game & Parks Commission	
REVIEWED BY: Cindy Miserez		DATE: 2/7/2013	PHONE: 402-471-4174
COMMENTS: I concur with the Nebraska Game & Parks Commission's statement of fiscal impact and the fund type.			

Please complete ALL (5) blanks in the first three lines.

2013

LB⁽¹⁾ 493 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Nebraska Game and Parks Commission (Agency 33)

Prepared by: (3) Patrick H. Cole Date Prepared: (4) 1/28/2013 Phone: (5) 402-471-5523

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	-5,000	-280	-5,000	-280
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u>-5,000</u>	<u>-280</u>	<u>-5,000</u>	<u>-280</u>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

The proposed legislation would allow the Nebraska Game and Parks Commission to lease, sell or otherwise transfer portions of the Cowboy Trail located in Sheridan County to the County or the cities of Gordon, Hay Springs, or Rushville, or to a nonprofit organization. The transferee would be required to maintain the property at its own expense.

The Nebraska Game and Parks Commission (Commission) was authorized and directed to accept as a gift the right-of-way of the Chicago and Northwestern Railroad between milepost 83.3 and milepost 404.5 in Nebraska (now known as the Cowboy Trail) in 1993 (Statute 37-912). Current statutory authority allows the Commission to lease and grant easement rights on the right-of-way and to enter into agreements with public entities for the development and maintenance of the trail. Since the right-of-way has been 'rail-banked', there are limitations at the Federal level, under the National Trails System Act, that might impact the proposed legislation. It is unclear as to whether or not the property can be "sold" to any entity, and transfer to a nonprofit organization does not appear to be allowable.

The proposed legislation is unclear as to the required maintenance that would be necessary for the transferee, but it is assumed that it would be similar to that currently required of the Commission (i.e. maintain it as a recreational trail, preserve wildlife habitat, control noxious weeds and keep in good repair all crossings).

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14</u>	<u>2014-15</u>
	<u>13-14</u>	<u>14-15</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....			-5000	-5000
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			-5000	-5000

The subject portion of the trail has not been fully developed as an active component of the Cowboy Trail. Expenses have been primarily limited to noxious weed control at an approximate cost of \$5,000 annually. A portion of the trail has also been leased for hay for approximately \$280 annually. It is assumed that both the expense and revenue currently being realized by the Commission would be eliminated with a transfer as allowed under the proposed legislation.

It is anticipated that any transfer of portions of the trail would be subject to the review and approval of the Surface Transportation Board and subject to possible restrictions related to federal Transportation Enhancement funding.